

Grievances and Appeals

The University encourages employees to act to resolve disagreements or misunderstandings that may arise in the course of employment. If it is not possible to resolve concerns through informal discussion among the individuals involved, the employee may pursue resolution through the appropriate grievance/appeal procedure. The grievance process is designed to address and resolve problems, not to be an adversarial process.

Situations involving complaints of discrimination or sexual harassment should be brought to the attention of the Office of Equal Opportunity. Other concerns are covered by the procedures outlined below. The Employee Relations Manager shall serve as facilitator in these procedures and ensure that all appropriate procedural rights are protected; shall advise both parties on matters relating to the interpretation of applicable rules or policies; shall attend each scheduled conference as a resource person and/or facilitator if so requested by either party; and shall mediate disagreements concerning time limits, requests for time extensions, the determination of the effect of prearranged or emergency absences from campus on the specified time limits; or other procedural matters relating to the effective resolution of grievances. If an opinion provided by the Employee Relations Manager concerns matters related to the administration of the State Personnel Board Rules, the employee is entitled to have the opinion reviewed by the Executive Director of the State Department of Personnel or the State Personnel Board under one of the appeal options identified in this section.

Employees who are denied the opportunity to process a grievance in accordance with the procedure or who are threatened or subjected to duress as a result of processing a grievance should notify the University Director of the Human Resource Services Department in writing. The Director shall ensure that the appropriate steps are taken to address the employee's complaint.

Grievance Procedures

Any employee who is aggrieved by any action may initiate a formal grievance, not otherwise appealable, that relates to his/her working conditions, relationships, or agency policies, rules, or regulations. Grievances include, but are not limited to such matters as corrective actions, employee/supervisor relationships, duty assignments not affecting job classification, shift and job location assignments, hours worked, working facilities and conditions, policies for granting leave, health and safety issues, and similar matters. The State Personnel Director reviews grievances regarding overtime compensation and the overtime exempt or non-exempt designation of positions. An employee may be represented by any person of the employee's choice at any step(s) of the grievance process. That person may participate and speak for the employee. The employee is expected to participate in the discussion during the grievance process.

STEP 1: The first step in the formal grievance procedure is an informal discussion (initiated by the employee within 10 calendar days of the incident or knowledge of the incident by the employee) between the employee and the person involved in the incident that gave rise to the dispute. If the grievance includes a charge of discrimination, it must be filed in writing with both the supervisor and the Personnel Board. The employee shall be informed in writing of the decision within 7 days after the discussion. If a timely decision is not issued, the employee may proceed to Step 2.

STEP 2: If the informal discussion fails to resolve the employee's concerns, the

employee has 5 days after receipt of the informal decision to file a written statement of grievance with the superior of the person with whom the employee had the discussion at. The written grievance should state the complaint, the actions already taken by the employee to resolve the complaint, and the relief requested. Only the issues set forth in the written grievance shall be considered thereafter. A copy of the statement of grievance and supporting documentation also should be provided to the Director of the University's Human Resource Services Department. The STEP 2 official shall schedule a conference with the parties within 3 working days after receiving the written grievance. A written decision shall be provided within 3 working days of the conclusion of the conference(s). The written decision at this level shall be binding unless the employee requests that the matter be reviewed at STEP 3.

STEP 3: Requests for a STEP 3 review shall be made in writing within 3 working days of the receipt of the decision at STEP 2 and shall be filed with the appropriate Dean (for employees in Academic Colleges and the Graduate School) or the appropriate Vice President for employees in other units. The appropriate Dean or Vice President shall, within 3 working days of receipt of the grievance, select a person or committee to review the grievance. The person or committee selected shall, within 3 working days of receipt of the grievance from the Dean or Vice President, schedule a conference(s) with the parties. A written decision shall be rendered within 5 working days after the conclusion of the conference(s). The written decision at this level shall be binding unless the employee elects to request that the matter be reviewed at Step 4. STEP 4: A written request for a STEP 4 review should be filed with the appropriate Dean or Vice President within 3 working days after receipt of the STEP 3 decision. The Dean or Vice President shall schedule a conference(s) with the parties within 5 working days of receipt of the STEP 4 request. A written decision shall be provided to the employee within 7 working days of the conclusion of the conference(s). The STEP 4 decision shall be the final decision of the University.

An employee may petition the State Personnel Board to hear an appeal of the University's decision within 10 days of receipt of the STEP 4 decision. Copies of the request should be provided to the Dean or Vice President who rendered the STEP 4 decision and to the University Director of the Human Resource Services Department. Appeals of this type are covered in Discretionary Hearing Procedures.

Grievances that involve a Dean as the party in STEP 1 should be filed with the Academic Vice President. Those that involve a Vice President should be filed with the President. Failure by the employee to proceed to the higher step within the proscribed time limit shall constitute termination of the grievance. Failure on the part of the designated University official to provide a decision within the proscribed time limit shall be considered denial of the requested remedy, and the employee may proceed to the next higher step. Proscribed time limits may be extended by mutual consent of the parties at any step in the process.

If the grieving employee is no longer employed under the state personnel system, any grievance in process is considered concluded. Grievance forms are available from the Director's Office, University Human Resource Services Department in room 108 of the Student Services Bldg.

Appeals Procedures

State employees who are dissatisfied with certain actions affecting them have an opportunity to seek a review of what occurred.

Discretionary hearings

The State Personnel Board has the discretion to grant hearings in areas not listed here. These include petitions for consideration of a grievance decision that has been processed through all four steps within the University.

All appeals have filing requirements. In most cases, appellants have 10 calendar days from the date written notice of the action appealed is received to file a formal appeal or petition for hearing with the State Personnel Director or Board.

Discrimination

Situations involving complaints of discrimination or sexual harassment should be brought to the attention of the University's Office of Equal Opportunity.